

## ORDER OF SELECTION / WAITLIST

### I. LEGAL AUTHORITY:

Rehabilitation Act of 1973 (Public Law 93-112) as amended through Workforce Investment Opportunities Act (WIOA) of 2014, 504(a); Sect. 101(a)(5); 201(a)(12); 101(a)(15)(A), (B), and (C); 101(a)(21)(A)(ii); (15)(B); 29 U.S.C. 709(d), 721 (a)(5), 721(a)(12), 721(a)(15)(A),(B), and (C); 721(a)(21)(A)(ii), and 794(a); 34 CFR 361.36.

### II. POLICY STATEMENT AND PURPOSE:

The Office of Rehabilitation Services determines eligibility for services. In the event a reduction in services must be imposed due to a shortage of resources (funds, community rehabilitation programs, staff, or other resources) ORS will create a waitlist based on the Order of Selection for services.

Applicants found eligible for ORS services, but classified by functional limitations within an OOS category not currently being served, will be put on a waitlist. This waitlist will be maintained by ORS. ORS will provide all individuals at time of assignment to waitlist with available information and referral services as described below.

While an individual is on the waitlist, no vocational rehabilitation services will be provided.

The purpose of this section is to describe the Order of Selection policy.

#### A. Categories and Definitions of Order of Selection for Services

##### 1. Category I: Individuals with the most significant disabilities.

a) The term "individual with a most significant disability" means an individual:

(1) Who has a severe physical, intellectual and/or emotional impairment which seriously limits three (3) or more functional capacities (e.g., mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an integrated competitive employment outcome;

and

- (2) Whose vocational rehabilitation can be expected to require multiple VR services over an extended period of time;
    - and
    - (3) Who has one or more physical, intellectual, and/or emotional disabilities or combination of disabilities which causes comparable substantial functional limitation; and
    - (4) Who can benefit in terms of an integrated competitive employment outcome from vocational rehabilitation services.
- 2. Category II: Individuals with significant disabilities.
  - a) The term "individual with significant disability" means an individual:
    - (1) Who has a severe physical, intellectual, and/or emotional impairment which seriously limits one or more functional capacities (e.g., mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an integrated competitive employment outcome;
    - and
    - (2) Whose vocational rehabilitation can be expected to require multiple VR services over an extended period of time;
    - and
    - (3) Who has one or more physical, intellectual, and/or emotional disabilities or combination of disabilities which causes comparable substantial functional limitation; and
    - (4) Who can benefit in terms of an integrated competitive employment outcome from vocational rehabilitation services.
- 3. Category III: All other individuals with disabilities who cannot be classified in a higher category.
  - a) An "individual with a disability" means any individual:
    - (1) Who has a physical, intellectual, and/or emotional impairment which, for that individual, constitutes or results in a substantial impediment to integrated competitive employment; and
    - (2) Who can benefit in terms of an integrated competitive employment outcome from vocational rehabilitation services.

4. Category IV W: Individuals with disabilities presently employed who do not meet the priority OOS category but require services or equipment to maintain employment will be eligible for an administrative waiver to receive vocational rehabilitation services.
5. Disability  
The term "disability" means a physical, intellectual, and/or emotional impairment that constitutes or results in a substantial impediment to employment.
6. Multiple VR Services  
The term "multiple VR services" means two (2) or more services excluding assessment for determining eligibility and vocational rehabilitation needs and the customary guidance and counseling provided during the management of VR cases.
7. Extended Period of Time  
The term "extended period of time" means, as a guideline, six (6) months or more.
8. VR Services  
The term "VR services" means those goods and services based on the individual's needs, which reduce the impact of functional limitations on employment outcomes, as opposed to supportive services provided to an individual with a disability.
9. Information and Referral Services  
The term "information and referral services" means information about alternate resources to assist individuals with achieving employment. It includes appropriately referring individuals to Federal, State, and other programs such as the one-stop career centers that are best suited to meet the individual's specific employment needs.